

Appendix 1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES MCDONALD,

Plaintiff,

v.

ONEWEST BANK, FSB, NORTHWEST
TRUSTEE SERVICES, INC., MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC., INDYMAC BANK FSB, DOES 1-50,

Defendants.

No. C10-1952 RSL

**DECLARATION OF VONNIE
MCELLIGOTT IN SUPPORT OF
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

I, VONNIE MCELLIGOTT, hereby declare:

1. I am a Foreclosure Analyst and Assistant Vice President for Northwest Trustee Services, Inc. ("NWTs"), Defendant herein. This Declaration is made in support of Defendants' Motion for Summary Judgment ("Defendants' Motion"). I am a citizen of the United States, I am over the age of 18, and I make the following Declaration based upon my own personal knowledge and if called to testify in this action I could and would competently testify thereto.

2. I have personal knowledge of the procedures governing the creation and maintenance of NWTs' nonjudicial foreclosure files and I am familiar with the record keeping procedures of NWTs as to those records that pertain to the nonjudicial foreclosure proceeding against the property commonly known as 14840 119th Pl. NE, Kirkland, Washington 98034 (the "Property"), which is owned by James McDonald ("McDonald").

DECLARATION OF VONNIE MCELLIGOTT
IN SUPPORT OF DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT - PAGE 1 OF 3
CASE NO. C10-1952 RSL

ROUTH
CRABTREE
OLSEN, P.S.

13555 SE 36th St., Ste 300
Bellevue, WA 98006
Telephone: 425.458.2121
Facsimile: 425.458.2131

1 3. I have reviewed the records that pertain to the McDonald foreclosure and as to
2 the following facts, I know them to be true of my own knowledge or I have gained
3 knowledge of them from the business records of NWTs on behalf of NWTs, which records
4 were made at or about the time of the events recorded, and are maintained in the ordinary
5 course of NWTs' business at or near the time of the acts, conditions or events to which they
6 relate. Any such document was prepared in the ordinary course of business of NWTs by a
7 person who had personal knowledge of the event being recorded and had or has a business
8 duty to record accurately such event. To the extent NWTs' business records contain
9 documents created by third parties, NWTs relies on the accuracy of such records in
10 conducting its business carrying out nonjudicial foreclosure proceedings.

11 4. On or about January 15, 2010, as the "duly authorized agent of OneWest
12 Bank, FSB," NWTs mailed and posted a notice of default (the "Notice of Default") in
13 response to Plaintiff's default. A true and correct copy of the Notice of Default is attached to
14 Defendants' Motion as Exhibit 10.

15 5. On or about February 16, 2010, NWTs recorded a Notice of Trustee's Sale
16 (the "NTS") under King County Auditor's File No. 20100216001242, setting the trustee's
17 sale for May 21, 2010, 2010. A true and correct copy of the NTS is attached to Defendants'
18 Motion as Exhibit 13.

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DECLARATION OF VONNIE MCELLIGOTT
IN SUPPORT OF DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT - PAGE 2 OF 3
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1 6. On or about November 4, 2010, NWTS recorded an Amended Notice of
2 Trustee's Sale (the "Amended NTS") under King County Auditor's File No.
3 20101104001321, setting the trustee's sale for December 10, 2010. A true and correct copy
4 of the Amended NTS is attached to Defendants' Motion as Exhibit 14.

5 I declare under penalty of perjury and the laws of the State of Washington that the
6 foregoing is true and correct to the best of my knowledge.

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8 SIGNED this 20th day of March, 2012.

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10 NORTHWEST TRUSTEE SERVICES, INC.

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13 Vonnie McElligott, Declarant
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